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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**[PROPOSED]
ORDER GRANTING IBM'S MOTION
FOR SUMMARY JUDGMENT ON SCO'S
COPYRIGHT CLAIM (SCO'S FIFTH
CAUSE OF ACTION)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Based on the submissions of the parties, such argument as was presented at hearing, and good cause appearing therefore,

IT IS HEREBY ORDERED that IBM's Motion for Summary Judgment on SCO's Copyright Claim (SCO's Fifth Cause of Action) is granted in its entirety with prejudice.

DATED this ____ day of _____, 2006.

BY THE COURT

Dale A. Kimball
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

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